

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, August 25, 2015
9:00 a.m.
OPEN SESSION

1. CALL TO ORDER – 09:00 a.m.

2. ROLL CALL - Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Robert Stanley and Stephen Noel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl and Julie Armour. Assistant Attorney General: Michael Raine. Absent: Edward Marley.

3. CALL TO THE PUBLIC – No one addressed the Board.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

A. Approve, modify and/or reject July 28, 2015 Board meeting minutes.

Dr. Angel and Mr. Folk recommended minor changes be made to the minutes. Dr. Angel moved to approve the minutes as modified. Mr. Folk suggested that the minutes specify the reason for going into executive session. Mr. Noel seconded the motion to approve the minutes with the proposed corrections. Mr. Madison, Mr. Stanley and Mr. Jones abstained. No further discussion; motion carried.

B. Approve, modify and/or reject July 28, 2015 Board meeting Executive Session minutes.

Dr. Angel moved to approve the minutes from the executive session. Mr. Noel seconded the motion. Mr. Madison, Mr. Stanley and Mr. Jones abstained. No further discussion; motion carried.

5. FORMAL HEARINGS:

A. Review, Consideration and Vote on the following Formal Hearings:

1. Case No. H10-005, Thurston Lee, CHI #40317

Mr. Brady opened the hearing. Mr. Michael Raine, Assistant Attorney General, represented the State of Arizona. Chris Munns, Solicitor General's Office, was present to advise the Board. Respondent was not present and was not represented by legal counsel. According to Assistant Attorney General Michael Raine, the Respondent filed an answer in response to the complaint and has participated in the proceedings. Mr. Raine presented the evidence regarding the allegations in this matter, including testimony from Board investigator, Vernon Lewis, and Peter

Leeds, CHI.

Mr. Folk moved that the Board find paragraphs 1-5, 7 and 16-18 in the Factual Allegations in the complaint and Notice of Hearing as Findings of Fact. Mr. Stanley seconded the motion. No further discussion; motion carried.

Conclusions of Law: Dr. Angel moved that the Board adopt as Conclusions of Law Alleged Violation 1 in the Complaint of Notice of Hearing. Mr. Folk seconded the motion. No further discussion; motion carried.

Mr. Folk moved that the Board issue a Letter of Reprimand for falsely identifying the piping and an expression of concern for failure to properly characterize the roof structure. Mr. Jones seconded the motion. Dr. Angel, Mr. Madison and Mr. Stanley voted nay. No further discussion; motion carried.

2. Case No. P14-091, Wayne E. Coates, P.E. (Agricultural) #15259
Mr. Madison moved to accept Mr. Coates' consent agreement to voluntarily surrender his license. Mr. Jones seconded. No further discussion; motion carried.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P15-047, James A. Brucci, R.L.S. #29865
2. HI15-034, Randy West, C.H.I. #12349
3. P15-054, William Slatton, R.A. #43265

Mr. Stanley moved to dismiss complaints in 6a, items 1-3. Mr. Noel seconded the motion. No further discussion; motion carried.

4. P16-002, Chad R. Erickson, R.L.S. #40590 – Telephonic Appearance
Mr. Folk moved that the Board pursue a complaint against Mr. Erickson and Erickson Land Surveying for conducting business as a firm in Arizona prior to being registered in the state and for violation of technical and competency rules established by the Board. Dr. Angel seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI15-014, Bruce M. Lewis, C.H.I. #42597
Mr. Lewis did not appear before the Board. Mr. Stanley moved that the Board follow staff's recommendation and issue a letter of concern for failure to accurately describe several systems of components. Mr. Folk seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P15-075, David Holl, Non-Registrant, D.R. Holl Designs, LLC, Non-Registrant Firm

Mr. Holl appeared to address the Board. After hearing Mr. Holl's testimony, Dr. Angel moved that the Board offer Respondent the staff proposed Consent Agreement with one change: to reduce the civil penalty from \$3,200.00 to \$1,500.00, payable over 24 months. Mr. Folk seconded the motion. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. No further discussion; motion carried.

2. HI15-018, Duane Smith, C.H.I. #41111

Mr. Smith appeared to address the Board. After hearing Mr. Smith's testimony, Dr. Angel moved that the Board offer Mr. Smith two alternative consent agreements, the first being a voluntary surrender agreement and the second being the agreement proposed by staff, with one modification: to eliminate the restitution clause. Mr. Madison seconded the motion. If neither consent agreement is signed within 30 days, the matter will proceed to Formal Hearing. No further discussion; motion carried.

3. HI16-002, Phil Westlund, Non-Registrant

Mr. Westlund appeared to address the Board. After hearing Mr. Westlund's testimony, Dr. Angel moved that the Board offer the Consent Agreement as drafted by staff. If the consent agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Madison seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P15-048, Jesus M. Rodriguez, Non-Registrant

Mr. Rodriguez did not appear before the Board. Mr. Madison moved to accept the Respondent's signed Consent Agreement encompassing an Assurance of Discontinuance, a civil penalty in the amount of \$4,000.00 and the cost of investigation of \$500.00. Mr. Jones seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. P15-087, Jericho Vaughn, Non-Registrant Owner of a Firm Registered with the Board.

Mr. Vaughn did not appear before the Board. Mr. Stanley moved to close the complaint. Mr. Jones seconded the motion. No further discussion; motion carried.

F. Review and Approval of Appointment for EAC Membership:

1. Kent M. Groh, R.L.S. #44808

Mr. Folk disclosed his potential conflict of interest in doing legal work for Bowman Consulting; however, he stated it did not affect his impartiality to this application. Mr. Stanley moved to accept Mr. Groh's application. Mr. Noel seconded the motion. No further discussion; motion carried.

G. Compliance Monitoring Investigations:

1. P15-026, Don Petersen, R.L.S. #33877

Mr. Stanley moved to follow staff recommendation and grant Mr. Petersen's request to be removed from probation and be returned to active status. Dr. Angel seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant Requests for Extension of Licensing Time Frames:

- | | |
|-----------------------|------------------------------------|
| A. Cook, Brian, | Home Inspector Application #150686 |
| B. Cornoyer, Jeffrey, | Geologist Application #151017 |
| C. Meek, Jennifer, | Architect Application #050839 |

Ms. Meek appeared before the Board. Dr. Angel moved to extend Ms. Meek's application through December 31, 2015. Mr. Stanley seconded the motion. No further discussion; motion carried.

- | | |
|--------------------|--------------------------------------|
| D. Taufiq, Arshad, | Nuclear Engineer Application #141354 |
| E. Tussey, Tyler, | Civil Engineer Application #151107 |

Mr. Stanley moved to grant extensions to the applicants listed in items 7a through e through December 31, 2015. Mr. Noel seconded the motion. No further discussion; motion carried.

Whether to Grant or Deny Registration:

- | | |
|-------------------------|---|
| F. Atkinson, Francis | Alarm Agent Application #150780 |
| G. Brown, Tim | Electrical Engineer Application #150771 |
| H. DiGiorgio, Rudy | Alarm Agent Application #150816 |
| I. Feldman, Joseph | Home Inspector Application #150917 |
| J. Partridge, John II | Mechanical Engineer Application #150273 |
| K. Reust, Todd | Mechanical Engineer Application #150839 |
| L. Shutt-Banks, Natalie | Architect Application #151281 |
| M. Tipton, Maribel | Electrical Engineer Application #150085 |
| N. Varley, Grant | Alarm Agent Application #150682 |
| O. Woidwode, Aaron | Civil Engineer Application #151134 |

Mr. Madison moved to consent items 7 F through O and grant registration. Mr. Stanley seconded the motion. No further discussion; motion carried.

Reopen and Grant for Extension of Licensing Time Frames

P. West, Bret,

Architect Application #150756

Mr. Stanley moved to reopen Mr. West's application 150756 and extend it through December 31, 2015. Mr. Noel seconded the motion. No further discussion; motion carried.

8. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on Staff Recommendations for the following:

1. Cancellation of registrations and certifications that have been expired for one full renewal period;

B. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § § 32-122.05, 32-122.06, and A.R.S. § 32-123.
List available for public review upon request.

Mr. Stanley moved to consent items 8a & 8b. Dr. Angel seconded the motion. No further discussion; motion carried. Registrations and certifications listed were cancelled.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. Authorizing the Executive Director to Grant professional registrations, certifications or in-training designations or authorizations to test those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123.

Dr. Angel moved that the Board grant the Executive Director the authority described in 9a. Mr. Noel seconded the motion. No further discussion; motion carried.

B. Proposed Sunset Response to the Legislature.
Mr. Folk will give his suggestions in writing to Ms. Cornelius.

C. Proposed Response to Executive Order 2015-01: Evaluation of Rules and Licensing Time-Frames Report.
Regarding the sentence in the report which states 94% of the applications were 'granted', Mr. Folk inquired if 'granted' should read 'processed'. Ms. Cornelius stated that Mr. Folk was correct. Mr. Noel stated that the percent processed should be 96% since 4% were not. Ms. Cornelius confirmed that 96% is correct. Mr. Folk proposed a change in wording

from the rationale column regarding some of the rules. His suggestion was to modify the term 'antiquated' to 'no longer needed'. Ms. Cornelius stated that 'antiquated' was the suggested wording of the Governor's office but agreed with Mr. Folk's change. Ms. Cornelius will update the wording to reflect 'no longer necessary'.

- D. Proposed Changes to NCARB's Intern Development Program.
Dr. Angel proposed sending the IDP to AIA and the state universities for their comments. The Board will wait until the September meeting to decide on this agenda item.
- E. Home Inspector Rules and Standards Committee Report Checklist Supplement.
Mr. Folk suggested deferring action on this item in order to allow staff to compare the checklist with the standards set forth by the Committee. Ms. Pritzl proposed to take the checklist back to the Committee to address concerns raised by members of the Board. Action on this item was deferred at this time.

10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius reported that 8% of the budget year has elapsed. The agency spent 5% of its appropriation and 47% of its revenue. The Arizona Department of Administration required BTR to pay the entire sum of annual rent, approximately \$187,000, upfront, rather than in quarterly payments this year.

Ms. Cornelius also stated she had not yet heard from the State Procurement Office regarding their decision on the best and final offers from the RFP for BTR's new computer system. The deadline for the project is the end of September and SPO is aware.

Ms. Cornelius is waiting for an accounting from the Attorney General's office regarding the funds available to BTR from the ISA that was signed last year. BTR does not currently have an ISA pending for this fiscal year with the Attorney General's office for services. Ms. Cornelius will inform the Board of any future updates.

- B. Staff Update – Ms. Cornelius reported that Dr. Angel and Mr. Marley were reappointed to their positions on the Board by the Governor. There is not yet a decision on the surveyor appointee.
- C. Previous Meeting Follow-Up – Ms. Cornelius reported that BTR received a reprieve from the moratorium on rule making for some specific items. Executive staff and the Board are in the midst of reviewing Board rules and may not proceed in this particular rule review with all the desired modifications; however, the rules will be brought back for further Board review and comment in subsequent meetings.

Ms. Cornelius reported that BTR was unable to find an assayer willing to grade the Assayer In-Training exam taken by their candidate. BTR did find one gentlemen but he refused to sign the nondisclosure agreement. Former Board member, Erick Weiland, a

geochemist, will grade the exam. Ms. Cornelius will update the Board on the progression of the project and with any issues that may arise.

Ms. Cornelius also reported that the Arizona Registrar of Contractors, the Department of Public Safety and Building Fire Safety do not want to acquire the regulation of the alarm industry.

- D. Director's Meetings - Board executive staff met with Cox Communications and discussed utilizing fingerprint clearance cards, which would be valid for six years, to assist in the regulation of alarm agents. Additionally, it was proposed that their certifications be valid for three years.

11. BOARD CHAIR'S REPORT – Nothing to report.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee August 11, 2015 Meeting
Mr. Folk stated the meeting was very active, as the Committee reviewed several of their statues that were considered for amendment. Rules and recommendations will be made.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. ASBOG – The annual ASBOG meeting for 2015 will be held in Delaware this November. Ms. Pritzl stated that Erick Weiland, a former Board member, will be up for election at this meeting.
- B. CLARB – Ms. Cornelius stated that there was an election for the CLARB Board of Directors. Mr. Brady reported that the Nevada delegate was elected. Mr. Brady also stated that there was a telephonic regional meeting but there was nothing to report. The annual meeting will be held next month in New Orleans.
- C. NCARB – Nothing to report.
- D. NCEES – Dr. Angel reported that two significant issues arose from the meeting. The first issue was the discussion regarding whether the structural engineering license should be only a title protection, meaning one could only call oneself a structural engineer if that person has the proper license, or if it should also be practice protected which means only structural engineers would be permitted to design significant structures such as bridges and taller buildings. NCEES was offering the practice protection stance and put it up for a vote. The motion for practice protection failed with 31 jurisdictions for and 32 jurisdictions against. Arizona was split and did not vote. The second issue that arose from the meeting was the position statement to add to the NCEES model rules requiring engineers to have 150 hours of higher education credits. This could be in the form of a bachelor's degree plus a master's degree, a 150 credit hour bachelor's degree or another format which meets this proposed standard. NCEES approved the position statement as the fields have become more specialized and more training is required.

14. FUTURE BOARD MEETINGS – Tuesday, September 29, 2015 at 9:00 a.m.

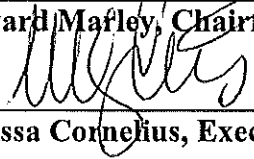
15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

- Review the final draft of the Proposed Sunset Response to the Legislature
- Proposed Changes to NCARB's Intern Development Program

16. MEETING ADJOURNMENT – 1:14 PM



Edward Mafley, Chairman



Melissa Cornelius, Executive Director